

KENTUCKY REAL ESTATE APPRAISERS BOARD

TYPE OF MEETING

Regular Meeting

DATE AND LOCATION

December 17, 2009 – Board Office

PRESIDING OFFICER

Dorsey Hall, Chair

ROLL CALL

Present:

Dorsey Hall, Chair
Sam E. Blackburn, Vice Chair
G. Herbert Pritchett, Board Member
Harold Brantley, Board Member

Present Also:

Larry Disney, Executive Director
Angie Thomas, Staff Assistant
James Grawe, Board Counsel
Tom Veit, Investigator

Absent:

Loren Huff, Board Member

Chair, Dorsey Hall opened the meeting by welcoming the guest. Jeff Smith, KAR was in attendance.

Motion by Sam Blackburn, second by Herbert Pritchett and the Board unanimously approved the November 20, 2009 minutes.

EDUCATION

Motion by Harold Brantley, second by Herbert Pritchett and the Board unanimously agreed to approve the following education courses for fiscal year 2009-10:

- A. McKissock, LP – One virtual classroom CE course:
(1)2010-2011 National USPAP Update Equivalent – 7 hours virtual classroom CE

- B. Appraisal Institute – One classroom CE and one classroom QE courses:
 - (1) Residential Design: The Makings of a Good House – 7 hours classroom CE
 - (2) General Appraiser Market Analysis and Highest and Best Use – 30 hours classroom QE
- C. Appraisal Educators: Two classroom CE courses:
 - (1) 105A National USPAP Update Course 2010-2011 – 7 hours CE
 - (2) 118 Foreclosures & Short Sales: Dilemmas & Solutions – 7 hours CE
- D. Department of Revenue – Office of Property Valuation – Four classroom CE courses:
 - (1) KY Course 90 – Farm Real Property Appraisal – 15 hours CE
 - (2) KY Course 80 – Residential Real Property Appraisal – 15 hours CE
 - (3) KY Course 82 – Commercial Real Property Appraisal – 15 hours CE
 - (4) KY Course 71 – Commercial Real Property Appraisal – 15 hours CE
- E. Career WebSchool dba of Cengage Learning – One online QE course:
 - (1) 2010-2011 15 Hour National USPAP Course – 15 hours online CE
- F. Dennis Badger & Associates – One classroom CE course:
 - (1) Appraising Difficult Residential Assignments – 7 hours CE

EXPERIENCE

Motion by Sam Blackburn, second by Harold Brantley and the Board unanimously agreed to accept staff recommendation and approve the following experience:

- (1) Jason Chinn – Approve experience for Certified General
- (2) Jonathan Cox – Approve experience for Certified General
- (3) Deena Haney - Approve experience for Certified Residential
- (4) John Haney – Approve experience for Certified Residential
- (5) Dennis Long – Approve experience for Certified General
- (6) Terry D. Robinson – Approve experience for Certified Residential
- (7) Leigh A. Tippey – Approve experience for Certified Residential
- (8) Chad L. Young – Approve experience for Certified Residential

A motion was made by Sam Blackburn, second by Harold Brantley, and the Board unanimously agreed to grant the Board Executive Director authority to approve credentials for applicants who, in the opinion of the Executive Director, successfully demonstrate experience compliance prior to January 1, 2010 and provided those individuals approved also completed the education and the national examination prior to January 1, 2008. The names of all applicants approved shall be reported to the Board at the January 14, 2010 meeting.

CERTIFICATION/LICENSURE

Motion by Sam Blackburn, second by Herbert Pritchett and the Board voted to approve a total of eleven (11) individuals for certification/licensure.

- (1) Jason Chinn – Certified General
- (2) Jonathan Cox – Certified General
- (3) Deena Haney – Certified Residential
- (4) John Haney – Certified Residential
- (5) Gary W. Jones – Associate
- (6) Del H. Kendall – Certified General – Reciprocal with Ohio
- (7) Suzanne R. Knopp – Certified Residential – Reciprocal with Ohio
- (8) Dennis Long – Certified General
- (9) Terry D. Robinson – Certified Residential
- (10) Leigh A. Tippey – Certified Residential
- (11) Chad Young – Certified Residential

COMPLAINT

- A. The Board reviewed the case summary flow chart and was advised there have been a total of 58 cases filed for 2009.
- B. Larry Disney advised the Board that the ASC requires cases to be closed in one year, with the one year starting the day the information is received in the Board office. The Board agreed that the case will be processed as the best as they could and they will work diligently to process the cases within the required date.
- C. The Board commented that there are still nine outstanding cases that fall outside the one year requirement of the ASC.
 - A. Cases:
 - (1) Case No. 08-91 – Motion by Sam Blackburn, second by Herbert Pritchett and the Board agreed to file a formal complaint and set the case for a hearing.
 - (2) Case No. 08-85 – Motion by Sam Blackburn, second by Herbert Pritchett and the Board agreed to dismiss with a letter of caution.
 - (3) Case No. 08-90 – Motion by Herbert Pritchett, second by Sam Blackburn and the Board agreed to issue a Letter of Admonishment.
 - (4) Case No. 09-28 – Motion by Sam Blackburn, second by Harold Brantley and the Board agreed to dismiss the case.
 - (5) Case No. 09-30 – Motion by Sam Blackburn, second by Harold Brantley and the Board agreed to file a formal complaint and set for a hearing.
 - (6) Case No. 09-51 – Motion by Herbert Pritchett, second by Sam Blackburn and the Board agreed to dismiss the case.
 - (7) Case No. 09-52 – Motion by Harold Brantley, second by Herbert Pritchett and the Board agreed to dismiss the case.
 - (8) Case No. 09-02 – Motion by Sam Blackburn, second by Harold Brantley and the Board agreed to file a formal complaint and set for a hearing.
 - (9) Case No. 09-03 – Motion by Sam Blackburn, second by Harold Brantley and the Board agreed to file a formal complaint and set for a hearing.
 - (10) Case No. 09-07 – Motion by Sam Blackburn, second by Herbert Pritchett and the Board agreed to file a formal complaint and set for a hearing.

- Waterman shall complete a 15 hour Residential Market Analysis and Highest and Best Use course, including successful completion of the course examination. Said 15 hours of education shall be in addition to the regular continuing education requirement of 201 KAR 30:050 Section 7. The course work required herein shall be completed by June 30, 2010. Waterman shall be fined the sum of \$500 with total amount due with the signed agreed order.
 - Waterman agrees the Board members; staff or assigns of the KREAB may enter the appraiser's office and request to view the log and workfiles without prior notice for 2 years from date of the agreed order.
 - Waterman shall have no Associates real property appraisers for 2 years from the date of the agreed order.
 - Waterman agrees that the Board shall not renew his certification for the 2010 renewal cycle July 1, 2010 until he has completed the requirements of the terms set out in paragraphs (a), (b), (c) and (d) of this order.
- (16) Case No. 08-92 – Motion by Harold Brantley, second by Sam Blackburn and the Board unanimously agreed to dismiss the case.
- (17) Case No. 09-01 – Motion by Harold Brantley, second by Sam Blackburn and the Board unanimously agreed to file a formal complaint and set the case for a hearing.
- (18) Case No. 09-04 – Motion by Sam Blackburn, second by Harold Brantley and the Board unanimously agreed to file a formal complaint and set the case for a hearing.
- (19) Case No. 09-05 – Motion by Harold Brantley, second by Herbert Pritchett and the Board unanimously agreed to dismiss the case.
- (20) Case No. 09-06 – Motion by Sam Blackburn, second by Harold Brantley and the Board unanimously agreed to dismiss the case.
- (21) Case No. 09-09 – Motion by Herbert Pritchett, second by Harold Brantley and the Board unanimously agreed to dismiss the case.
- (22) Case No. 09-40 – Motion by Harold Brantley, second by Sam Blackburn and the Board unanimously agreed to dismiss the case.
- (23) Case No. 09-41 – Motion by Sam Blackburn, second by Harold Brantley and the Board unanimously agreed to file a formal complaint and set for a hearing.
- (24) Case No. 08-17 – Jack Nickerson - Motion by Harold Brantley, second by Sam Blackburn and the Board unanimously accepted the agreed order whereby:
- Nickerson shall complete a 7 hour online education course, Eminent Domain and Condemnation, and a 7 hour online education course, Online Scope of Work: Expanding Your Range of Services, offered by the Appraisal Institute no later than June 30, 2010. Said 14 hours of education shall be in addition to the regular continuing education requirement of 201 KAR 30:050 Section 7.
 - Nickerson shall be fined the sum of \$300 with total amount due with the signed agreed order.
 - Nickerson agrees that the Board shall not renew his certification for the 2010 renewal cycle July 1, 2010 until he has completed both of the terms set out in paragraphs (a) and (b) of this paragraph.
- (25) Case No. 09-10 – The Board agreed to defer the case until the January 2010 Board meeting.
- (26) Case No. 08-82 – Iva Davis – Motion by Sam Blackburn, second by Herbert Pritchett and the Board unanimously accepted the agreed order whereby:
- Davis agrees to pay a \$500 fine with the total amount due with the signed agreed order.

- (11) Case No. 08-79 – Revised Agreed Order – Roger Osborne – Motion by Sam Blackburn, second my Herbert Pritchett, and the Board voted unanimously to accept the agreed order, whereby:
- Osborne shall complete a 7 hour Scope of Work course. Said 7 hours of education shall be in addition to the regular continuing education requirement of 201 KAR 30:050 Section 7. The course work required herein shall be completed by June 30, 2010.
 - Osborne shall be fined the sum of \$500 with the total amount due with the signed agreed order.
 - Osborne shall submit to the Board staff a log every 6 months for a period of 2 years from the date of the agreed order and the Board absolute must review assignments from the log for a period of two years from the date of the agreed order.
 - Osborne agrees the Board members, Board staff or designee can visit the appraiser's office and at random select and review files listed on the log of appraisal activity for 2 years from the date of the agreed order.
 - Osborne shall have no Associate real property appraiser for 2 years from the date of the agreed order.
 - Osborne agrees that the Board shall not renew his certification for the 2010 renewal cycle July 1, 2010 until he has completed the requirements of the terms set out in paragraphs (a),(b),(c),(d) and (e) of this order.
- (12) Case No. 09-49 – Motion by Sam Blackburn, second by Harold Brantley and the Board agreed to dismiss the case.
- (13) Case No. 08-63, 08-64, 08-65, 08-66, 08-67, 08-68, 08-69, 08-70, 09-43 – Norman Christie – Motion by Sam Blackburn to approve the agreed order, the motion dies for a lack of second. Chair Dorsey Hall made recommendation to approve the agreed order. A motion was made by Herbert Pritchett, second by Sam Blackburn to approve the agreed order. Harold Brantley opposed the decision.
- Christie shall be fined the sum of \$5,000 with the total amount due with the signed agreed order.
 - Christie shall assume supervisory responsibilities of no more than one associate/trainee after June 30, 2010.
 - Christie agrees that KREAB Certified Residential Appraiser Charles Langford shall review and sign all reports completed by Norman Christie and his associate/trainee appraisal assignments that are intended for federally regulated bank and secondary market use for a period of one year.
- (14) Case No. 09-38 – Mary L. Norfleet – Motion by Sam Blackburn, second by Herbert Pritchett and the Board unanimously approved the agreed order whereby:
- Norfleet shall complete a 7 hour Residential Challenge: Declining Markets and Sales Concessions course. The course may be internet or classroom presentation. Said 7 hours of education shall be in addition to the regular continuing education requirement of 201 KAR 30:050 Section 7. The course work required herein shall be completed by June 30, 2010.
 - Norfleet agrees that the Board shall not renew her certification for the 2010 renewal cycle July 1, 2010 until she has completed the requirements of this order.
- (15) Case No. 08-80 – David Waterman – Motion by Sam Blackburn, second by Harold Brantley and the Board unanimously approved the agreed order whereby:

- Davis shall complete a 15 hour Sales Comparison & Market Analysis course, including successful completion of the course examination. Said 15 hours of education shall be in addition to the regular continuing education requirement of 201 KAR 30:050 Section 7. The course work required herein shall be completed by June 30, 2010.
 - Davis agrees that the Board shall not renew her certification for the 2010 renewal cycle July 1, 2010 until she has completed the requirement set out in paragraph (a), and (b) of this order.
- (27) Case No. 09-47 – Sandra Sinclair – Motion by Herbert Pritchett, second by Sam Blackburn and the Board unanimously accepted the agreed order whereby:
- Sinclair shall complete a 15 hour National USPAP Course and successfully pass the final examination. Said 15 hours of education shall be in addition to the regular continuing education requirement of 201 KAR 30:050 Section 7. The course work required herein shall be completed by June 30, 2010.
 - Sinclair shall be fined the sum of \$2,000 with total amount due with the signed agreed order.
 - Sinclair agrees to make a log available upon notice by the Board members, Board staff, or designee for 2 years from the date of the agreed order; and
 - Sinclair shall have no Associate real property appraisers after June 30, 2010 for a period of 2 years from the date of the agreed order.
 - Sinclair agrees that the Board shall not renew her certification for the 2010 renewal cycle July 1, 2010 until she has completed the requirements of the terms set out in paragraphs (a), (b), (c), (d) and (e) of this order.

MISCELLANEOUS – The Board reviewed:

- A. Education request to approve the Investigator Training course – Motion by Sam Blackburn, second by Harold Brantley and the Board unanimously agreed to award 7 hours of CE credit.
- B. ASC Requirement for IDECC Approval
- C. AQB December 2009 Question and Answer
- D. Budget Ending November 2009
- E. Office Move expense and Floor Plans – Three bids received (a) Saunier Moving - \$2,560.00 (b) Kentucky Correctional \$3,740.00 (c) Vincent Fister, Inc. - \$2,560.00 - \$3,450.00. COT Charges \$5,000 (approximate amount for phone system, phones, charges for installation of phone and computer). Lease 3,207 square feet \$14 = \$44,898.00 – Motion by Sam Blackburn, second by Harold Brantley and the Board accepted the bid of Saunier Moving, COT Charges and Lease.
- F. Kentucky Association of Realtors letter dated 12/10/09.
- G. Letter from Office of Attorney General
- H. Resignation letter from Board member Loren Huff – Motion by Harold Brantley second by Sam Blackburn and the Board unanimously agreed to send Loren Huff a plaque for his service to the KREAB.
- I. Ashley Maggard – Larry Disney reported to the Board that he had received telephone calls from anonymous sources alleging that Ashley Maggard, an applicant for Certified Residential Real Property Appraiser, had been advertising herself as a Kentucky Certified Appraiser, and signing appraisal reports with the notation of being Kentucky Certified.

The Board instructed the Executive Director to proceed with collecting information in this matter as a continuation of the application filed by Ashley Maggard to become a Kentucky Certified Residential Real Property Appraiser.

- J. Jeff Smith, KAR discussed two bills with one being a concern to KAR, the house keeping bill and changes to the fees. Sam Blackburn recommended changing the bill to reflect \$2,000 per case. Sam then recommended to table the bill until next year. Larry will work with KAR on the bill. Appreciation was given to Herbert Pritchett for his work on the bill.

7. New Business – No Inserts

A. January Board Meeting – Thursday, January 14, 2010 – 1:00 p.m. – Bowling Green, KY

B. January Hearing – January 27, 28, 29, 2010 – David Harrington

C. February Hearing – February 16, 17, 18, 2010 – Mark Mitchell

The next Board meeting is scheduled for Thursday, January 14, 2010 – 1:00 p.m. – Bowling Green, KY.

Motion by Harold Brantley, second by Sam Blackburn and the Board voted unanimously to adjourn the meeting.



Chair



Staff Assistant